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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,730

08/18/2003

Chandrasekhar Narayanaswami

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EXAMINER

ARAQUE JR, GERARDO

ART UNIT

PAPER NUMBER

3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/643,730	Applicant(s) NARAYANASWAMI, CHANDRASEKHAR	
	Examiner Gerardo Araque Jr.	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/18/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 – 20** are rejected under 35 U.S.C. 102(e) as being anticipated by **McClung, III (US Patent 7,107,225 B1)**.
4. In regards to **claims 1, 8, and 15**, **McClung** discloses a method for offering purchase price protection for a product and/or service, the method comprising the steps of:  
  
receiving, at a first web site, information from a user, the information being associated with a product and/or service that was purchased by the user from a vendor, wherein the information includes the purchase price of the product and/or service and

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wherein the vendor offers purchase price protection for the product and/or service

**(Claim 1; Claim 3; Column 2 Lines 14 – 19);**

determining, at a second web site, a price for the product and/or service

**(Column 2 19 – 23);**

determining whether the user is due a purchase price protection refund based on the price determined at the second web site **(Column 1 Lines 39 – 45; Column 3 lines 17 – 22);** and

sending an indication to the user indicating that the purchase price protection refund is due **(Column 1 Lines 58 – 60; Column 3 Lines 17 – 22).**

5. In regards to **claims 2, 9, and 16**, **McClung** discloses wherein the information associated with a product and/or service that was purchased by the user from the vendor includes at least one of **(Column 4 Lines 8 – 30):**

the name of the product and/or service;

a description of the product or service;

an identifier of the product and/or service;

the name, address and telephone number of the vendor;

the date the product and/or service was purchased by the user;

the price the user paid for the product and/or service; and

the type of purchase price protection offered by the vendor.

6. In regards to **claims 3, 10, and 17**, **McClung** discloses wherein the first determining step comprises the steps of:

visiting the second web site **(Column 2 Lines 19 – 35);**

selecting the product and/or service on the second web site (**Column 2 Lines 19 – 35**); and

reading from the second web site a price associated with the product and/or service (**Column 2 Lines 19 – 35**).

7. In regards to **claims 4, 11, and 18**, **McClung** discloses wherein the second determining step comprises the steps of:

determining a time period of the purchase price protection offered by the vendor for the product and/or service, the current time, the purchase price of the product and/or service and the price of the product and/or service determined from the second web site (**Column 4 Lines 8 – 30**); and

if the current time is within the time period of the purchase price protection and the purchase price of the product and/or service is greater than the price determined from the second web site, then determining that the user is due a purchase price protection refund (**Column 1 Lines 39 – 45**); and

otherwise, determining that the user is not due a purchase price protection refund (**inherently included**).

8. In regards to **claims 5, 12, and 19**, **McClung** discloses further comprising the step of:

providing the user with information necessary for redeeming the refund that is due from the purchase price protection offered by the vendor, such that the user may redeem the refund directly from the vendor (**Columns 7 – 8 Lines 47 – 20**).

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9. In regards to **claims 6, 13, and 20, McClung** discloses further comprising the steps of:

sending to the user a refund corresponding to the refund due from the purchase price protection offered by the vendor (**Claim 6**); and

redeeming from the vendor, on behalf of the user, the refund the user is due from the purchase price protection offered by the vendor (**inherently included**).

10. In regards to **claims 7 and 14, McClung** discloses wherein each of the first web site and the second web site comprises an e-commerce web site (**Column 1 Lines 53 – 60; Column 2 Lines 14 – 29**).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in PTO-892 Notice of References Cited.

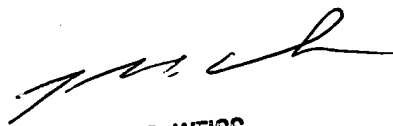
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA  
2/27/07



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